

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ABRAHAM SAFFOLD,

Defendant-Appellant.

UNPUBLISHED

April 24, 2012

No. 304171

St. Joseph Circuit Court

LC No. 10-016292-FH

Before: BECKERING, P.J., and OWENS and RONAYNE KRAUSE, JJ.

PER CURIAM.

Defendant pleaded guilty to uttering and publishing, MCL 750.249, and was sentenced to 16 months to 14 years' imprisonment. Defendant's motion for correction of sentence was denied by the trial court. Defendant filed a delayed application for leave to appeal to this Court, which was granted, to determine whether Offense Variable (OV) 19 was properly scored. We affirm.

The basis for the sentencing offense was that defendant presented a personal check to Meijer in Three Rivers on January 13, 2010 in the amount of \$308.82. Defendant signed the name of Russell Kimble, the owner of the check. The next day, defendant attempted and failed to use another check at Meijer. Police stopped him after he left the store. When defendant was told he was under arrest, he said "gotta go" and ran. At sentencing, OV 19 was scored ten points. On appeal, defendant argues the trial court erred in scoring OV 19 at ten points because he did not flee from police until the day after he completed the sentencing offense. We disagree.

"If a minimum sentence is within the appropriate guidelines sentence range, the court of appeals shall affirm that sentence and shall not remand for resentencing absent an error in scoring the sentencing guidelines or inaccurate information relied upon in determining the defendant's sentence." MCL 769.34(10). Interpretation and application of the statutory sentencing guidelines is reviewed de novo. *People v Francisco*, 474 Mich 82, 85; 711 NW2d 44 (2006). A scoring decision should be upheld if any evidence exists supporting the challenged score. *People v Hornsby*, 251 Mich App 462, 468; 650 NW2d 700 (2002).

OV 19 is scored ten points if "[t]he offender otherwise interfered with or attempted to interfere with the administration of justice." MCL 777.49(c). Fleeing from police can support a scoring of ten points for OV 19. *People v Cook*, 254 Mich App 635, 638-640; 658 NW2d 184 (2003), overruled on other grounds *People v McGraw*, 484 Mich 120, 133; 771 NW2d 655 (2009). "OV 19 may be scored for conduct that occurred after the sentencing offense was

completed.” *People v Smith*, 488 Mich 193, 202; 793 NW2d 666 (2010). In this case, the record clearly supports defendant fled from the police. As soon as the police told defendant that he was under arrest, defendant told the police, “gotta go.” After that, he ran across the street and continued to run until he was chased down and apprehended by a police officer. Because evidence in the record supports defendant fled from the police, there was no error in the scoring of OV 19. *Hornsby*, 251 Mich App at 468. Because there is no error in the scoring of defendant’s sentencing variables, the recommended minimum sentence range under the legislative guidelines does not change, and defendant is not entitled to resentencing. *Francisco*, 474 Mich at 92.

Affirmed.

/s/ Jane M. Beckering
/s/ Donald S. Owens
/s/ Amy Ronayne Krause